

Message Text

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FM AMEMBASSY QUITO

TO SECSTATE WASHDC 8010

INFO AMEMBASSY BOGOTA

AMEMBASSY CARACAS

AMEMBASSY LIMA

AMEMBASSY SANTIAGO

AMCONSUL GUAYAQUIL

C O N F I D E N T I A L SECTION 1 OF 2 QUITO 8390

E.O. 11652: GDS

TAGS: PFOR PINT SHUM EC

SUBJECT: HUMAN RIGHTS IN ECUADOR

REF: STATE 182813

1. BEGIN SUMMARY: ECUADOR CURRENTLY HAS A MILITARY GOVERNMENT WHICH TOOK POWER FROM A DULY ELECTED CIVILIAN GOVERNMENT TURNED DICTATORSHIP, BY COUP IN FEBRUARY, 1972. THE GOE LEGISLATES BY DECREE AND POLITICAL ACTIVITY BY POLITICAL PARTIES IS NOMINALLY BANNED. HOWEVER, ECUADOR HAS NO TRADITION OF POLITICAL REPRESSION AND CURRENTLY THERE IS A GENERAL OBSERVANCE OF HUMAN RIGHTS AND THE PRESS IS FREE, WITHIN LIMITS, TO CRITICIZE THE GOVERNMENT. WHILE CERTAIN POLITICAL OPPONENTS OF THE REGIME FROM TIME TO TIME HAVE BEEN ARRESTED, DETAINED, OR DEPORTED WITHOUT DUE PROCESS, IN THE VAST MAJORITY OF NON-POLITICAL CIVIL AND CRIMINAL CASES A STANDARD IS APPLIED HERE THAT IS EQUAL TO OR BETTER THAN THAT EXISTING IN MOST COUNTRIES OF LATIN AMERICA. THERE IS NO OVERALL PATTERN OF REPRESSION OR DENIAL OF BASIC HUMAN RIGHTS. END SUMMARY.

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2. THE FACT THAT ECUADOR IS CURRENTLY GOVERNED BY A MILITARY

REGIME TENDS TO BE MISLEADING WITH RESPECT TO GOVERNMENTAL OBSERVANCE OF HUMAN RIGHTS BECAUSE OF THE GENERALLY POOR REPUTATION MILITARY GOVERNMENTS HAVE WITH REGARD TO THE RIGHTS OF THEIR CITIZENS. IN EVALUATING THE CURRENT ECUADOREAN GOVERNMENT'S RESPECT FOR HUMAN RIGHTS, ONE MUST COMPARE ITS BEHAVIOR WITH PREVIOUS ECUADOREAN REGIMES AND WITH THAT OF OTHER GOVERNMENTS OF THE WORLD, AND EXAMINE TREATMENT OF BOTH POLITICAL OPPOSITIONISTS AND THE COMMON CITIZEN.

3. THE HISTORY OF ECUADOR SINCE INDEPENDENCE HAS GENERALLY BEEN ONE OF POLITICAL TURBULENCE. THE FORTUNES AND MISFORTUNES OF THE COUNTRY HAVE RISEN AND FALLEN WITH THE ABILITY OF PERSONALISTIC LEADERS TO SEIZE AND MAINTAIN POWER THROUGH REGIMES THAT HAVE RARELY HAD ANY BROAD-BASED SUPPORT. HUMAN RIGHTS, THEREFORE, USUALLY HAVE BEEN SUBJECT TO THE WHIMS AND MISCHIEVOUS DEEDS OF COMPETING LEADERS.

4. FORTUNATELY, THIS IN ITSELF HAS MILITATED AGAINST GROSS VIOLATIONS OF HUMAN RIGHTS. WITH 63 GOVERNMENTS IN 150 YEARS, EVERY ECUADOREAN GOVERNMENT HAS REALIZED THAT ITS OPPOSITION HARBORED MANY POTENTIAL SUCCESSORS, AND THAT IT WAS NOT IN ITS INTEREST TO FOSTER SITUATIONS WHICH MIGHT CALL FOR STERN REVENGE. OVER THE YEARS A TRADITION OF TOLERANCE AND OF REACTION TO EXCESSES BY GOVERNMENTS IN THE FIELD OF HUMAN RIGHTS HAS BEEN STRONGLY ESTABLISHED.

5. NO FEWER THAN 16 CONSTITUTIONS WERE WRITTEN BETWEEN 1830 AND 1967. ALL OF THESE SINCE 1830 HAVE PROVIDED FOR THE RIGHTS AND PRIVILEGES OF CITIZENS, AND EARLY CONSTITUTIONS WERE MUCH INFLUENCED BY THE US CONSTITUTION AND FRENCH DECLARATIONS ON THE RIGHTS OF MAN. IN MOST CASES, THESE CONSTITUTIONS HAVE INCLUDED DETAILED RECITATIONS OF INDIVIDUAL RIGHTS OR GUARANTEES. IN RECENT YEARS, GREAT IMPORTANCE HAS BEEN ATTACHED TO THE HUMAN RIGHTS DECLARATION OF THE UNITED NATIONS.

6. ALTHOUGH THE PRECEDING CIVILIAN GOVERNMENT UNDER JOSE MARIA VELASCO IBARRA WAS LEGALLY ELECTED IN 1968, IT SUSPENDED ALL CONSTITUTIONAL GUARANTEES AND SHUT DOWN THE LEGISLATURE IN 1970, RULING BY DECREE FROM THAT TIME UNTIL IT WAS OVER-CONFIDENTIAL

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THROWN IN 1972. THE MILITARY LEADERS WHO DEPOSED THE PRESIDENT IN FEBRUARY 1972 ALSO RULE BY DECREE. ONE OF THE FIRST DECREES STATED THAT THE CONSTITUTION OF 1945 WOULD CONTINUE IN EFFECT SO LONG AS IT DID NOT OPPOSE THE GOALS OF THE REVOLUTIONARY GOVERNMENT.

7. UNDER THE CURRENT CIVIL AND PENAL CODES OF ECUADOR, CITIZENS ARE GUARANTEED CERTAIN RIGHTS AND LEGAL PROCESSES.

AN ARRESTED PERSON CAN BE HELD INCOMMUNICADO BY THE POLICE NO LONGER THAN 48 HOURS, AT WHICH TIME THE POLICE MUST SUBMIT A REPORT TO A JUDGE WHO DETERMINES WHETHER THE PRISONER SHOULD BE RELEASED, HELD FOR ADDITIONAL INVESTIGATION, OR CHARGED. (THIS IS THE GENERAL RULE AND DOES NOT APPLY IN CERTAIN INSTANCES, SUCH AS SUSPICION OF NARCOTICS TRAFFICKING.)

8. THE CURRENT ATMOSPHERE REGARDING POLITICAL DISSENT IS ONE WHICH WOULD DO CREDIT TO MANY MEMBERS OF THE UNITED NATIONS, INCLUDING SOME OF THE MORE VOCAL ON RIGHTS. THE RODRIGUEZ LARA GOVERNMENT HAS BEEN CONSCIOUS OF THE RIGHTS OF POLITICAL LEADERS, MILITARY OFFICIALS AND PROMINENT CITIZENS. IT HAS EVEN, ALMOST AT ITS OWN PERIL, SCRUPULOUSLY TRIED IN MOST CASES TO FOLLOW LEGAL PROCEDURES AND TO RESPECT INDIVIDUAL RIGHTS. THIS IS PARTICULARLY NOTABLE IN LIGHT OF THE BEHAVIOR OF SOME OF THOSE WHO DENOMINATE THEMSELVES "THE POLITICAL OPPOSITION."

9. THE GOVERNMENT HAS FROM TIME TO TIME MADE CLEAR THAT SOME POLITICAL DEMAGOGUERY, ESPECIALLY AD HOMINEM ATTACKS, IS BEYOND THE ACCEPTABLE. WHEN A NUMBER OF DOCUMENTS, APPARENTLY FALSIFIED, WERE CIRCULATED LAST SPRING, PURPORTING TO SHOW THAT PRESIDENT RODRIGUEZ AND HIS FAMILY WERE HEAVILY INVOLVED IN ILICIT MONEY-MAKING, THE DIRECTOR OF THE CONSERVATIVE PARTY, JULIO CESAR TRUJILLO, WAS PICKED UP BY THE POLICE AND SENT OFF TO AN ARMY CAMP IN ECUADOR'S ORIENTE. HE RETURNED LOOKING NONE THE WORSE FOR WEAR AND CONTINUED TO ATTACK THE GOVERNMENT. (HE WAS PICKED UP AGAIN ON NOV 8 AND BANISHED TO BOLIVIA.) HE HAS NOT SO MUCH AS HINTED AT TORTURE OR CRUEL TREATMENT DURING HIS DETENTION BY THE GOVERNMENT. LIKEWISE, IN THE AFTERMATH OF SEPTEMBER 1'S ABORTIVE COUP, ASSAD BUCARAM, ONE OF THE TWO OR THREE MOST POPULAR POLITICAL LEADERS IN THE COUNTRY, WAS PICKED UP

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BY THE POLICE FOR A SERIES OF CHARGES HE HAD MADE (WHICH, UNLESS THEY WERE SUBSTANTIATED BY FACT, WOULD PROBABLY BE HELD LIBELOUS IN ANY US COURT). AFTER FOUR DAYS BUCARAM WAS RELEASED, APPARENTLY NONE THE WORSE FOR WEAR, AND FINED \$5.

10. IN THE WAKE OF THE SEPTEMBER 1 COUP ATTEMPT, THE GOE HAS BEEN LENIENT WITH BOTH CIVILIAN AND MILITARY ACCUSED OF PARTICIPATING IN THE ILL-PLANNED AND INEPTLY EXECUTED AFFAIR. NEARLY ALL OF THE CIVILIAN FIGURES ACCUSED (AROUND A DOZEN) MADE THEIR WAY TO FOREIGN EMBASSIES (PRINCIPALLY, VENEZUELAN, COLOMBIAN, AND PARAGUAYAN) IN THE AFTERMATH OF THE COUP'S DEFEAT. WITHIN A MATTER OF WEEKS, ALL HAD BEEN GRANTED SAFE CONDUCT TO GO INTO EXILE ABROAD. AS AN EXAMPLE OF THIS GOVERNMENT'S SENSE OF RESPONSIBILITY WITH RESPECT TO HUMAN FEELINGS,

THE FATHER-IN-LAW OF PABLO DAVALOS DILLON (NUMBER TWO CIVILIAN PARTICIPANT IN THE ILL-FATED COUP ATTEMPT) DIED WHILE DAVALOS WAS IN ASYLUM IN THE COLOMBIAN EMBASSY AND THE GOVERNMENT GRANTED HIM SAFE CONDUCT TO ATTEND HIS FATHER-IN-LAW'S FUNERAL.

11. LIKEWISE, MILITARY LEADERS INVOLVED IN THE PLOT HAVE EITHER BEEN PERMITTED TO GO INTO EXILE ABROAD, AS MOST HAVE DONE (SUCH AS GENERAL GONZALEZ, THE COUP LEADER, WHO HAS GONE TO CHILE) OR IN SOME CASES, AFTER THE UNSUCCESSFUL DEFENSE ATTEMPT DURING THEIR COURT-MARTIAL, BEEN SENT PACKING WITH THEIR LEGAL DEFENDERS TO PANAMA.

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12. THE STUMBLING AND AWKWARD EFFORTS OF THE GOVERNMENT TO CONVICT THE ACCUSED SEPTEMBER 1 COUP PARTICIPANTS WERE ANOTHER INDICATION OF THE MILITARY REGIME'S INCLINATION TO FOLLOW LEGAL PROCEDURE. ONLY WHEN THE TRIAL AND DETENTION OF THE PRISONERS HAD BECOME SUCH A POINT OF CONTENTION AND TARGET FOR STRIDENT ATTACKS ON THE GOVERNMENT IN THE FREE PRESS DID RODRIGUEZ FINALLY RESORT TO THE POLITICAL EXPEDIENT OF BANISHING THE ACCUSED FROM THE COUNTRY.

13. THE JUDICIAL PROCESS: THE GOVERNMENT'S TREATMENT OF THE COMMON CITIZEN, THAT IS TO SAY THE PERSON WHO IS NOT POLITICALLY OR SOCIALLY PROMINENT, MORE THAN SOMETIMES LEAVES SOMETHING TO BE DESIRED. OFTEN, DUE PROCESS OF LAW IS DISREGARDED HERE, AS IT IS IN MANY OTHER LESS-HIGHLY DEVELOPED COUNTRIES. NO DOUBT THERE ARE CASES IN WHICH SUSPECTS HAVE BEEN HELD INCOMMUNICADO BEYOND THE 48 HOURS ALLOWED BY LAW, AND WE HAVE HEARD OF INSTANCES WHERE PERSONS HAVE BEEN HELD FOR MONTHS WITHOUT CHARGES BEFORE FINALLY BEING RELEASED. IN MOST OF THESE CASES, THE ACCUSED MAY BE CULPABLE, BUT THE GOVERNMENT SIMPLY DOES NOT HAVE THE MEANS OR THE TRAINED PERSONNEL TO MOUNT THE SORT OF LEGAL PROSECUTION THAT WOULD BE ACCEPTABLE

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IN THE EYES OF A US OR WESTERN EUROPEAN JUDICIAL SYSTEM. THERE IS NO DENYING, HOWEVER, THAT THERE HAVE BEEN LAPSES IN DUE PROCESS OF LAW.

14. POLITICAL PARTIES: POLITICAL PARTIES HAVE CONTINUED TO FUNCTION. ALTHOUGH "POLITICAL RALLIES" ARE NOMINALLY PROSCRIBED, THEY ARE HELD UNDER VARIOUS EUPHEMISMS (SUCH AS THE RECENT "TESTIMONIALS" FOR GALO PLAZA -- QUITO 7753). THE THIRD OR FOURTH LARGEST POLITICAL PARTY, THE LIBERAL RADICALS, HELD THEIR PARTY CONVENTION ON OCTOBER 10, 1975, AND THE CHRISTIAN DEMOCRATS HELD THEIRS ON OCTOBER 31ST. EVEN THE COMMUNISTS ARE HARDLY OUT IN THE COLD. ALTHOUGH THE COMMUNIST MOVEMENT IN ECUADOR IS SPLINTERED AMONG AT LEAST THREE IDENTIFIABLE GROUPS (PRO-MOSCOW, PRO-PEKING AND RADICAL-REVOLUTIONARY), THE COMMUNIST PARTY ISSUES ITS MANIFESTOS, ITS LEADERS APPEAR ON TELEVISION AND AUDIENCES ARE ARRANGED WITH GOVERNMENT OFFICIALS. WE EVEN SEE SOME LIVELY EXAMPLES OF MUDSLINGING AGAINST THE GOE AND AGAINST OTHER PARTIES. FOR EXAMPLE, THE CONSERVATIVE PARTY RECENTLY CHARGED THAT THE GOE IS HEAVILY INFILTRATED BY COMMUNISTS. THE COMMUNIST PARTY IN TURN PUBLICLY APPLAUDED GOE ACTION IN DEPORTING TWO CIVILIAN "FASCIST CONSERVATIVES" WHO ALLEGEDLY WERE INVOLVED IN THE SEPTEMBER 1 COUP ATTEMPT. THE GOE DENIED THE CONSERVATIVE CHARGES.

15. MORE RECENTLY, THE GOE SHOWED CONSIDERABLE RESTRAINT IN HANDLING THE FIRST NATION-WIDE GENERAL STRIKE - NOVEMBER 13 - WITH WHICH IT HAS BEEN FOUND IN ALMOST FOUR YEARS OF ITS ADMINISTRATION. INCIDENTS OF VIOLENCE OR DIRECT CONFRONTATION WERE FEW. THE GOVERNMENT'S RESPONSE TO LABOR DEMANDS CONTAINED A PRUDENT MIXTURE OF CONCILIATION AND FIRMNESS. THE KEY LABOR LEADERS WERE NOT HARASSED, AND ONLY A FEW STUDENTS ATTEMPTING TO PROMOTE CONFRONTATION WERE TEMPORARILY DETAINED.

16. THE MEDIA: ECUADOR'S MEDIA ENJOY A SURPRISING AMOUNT OF

FREEDOM, CONSIDERING THE MILITARY AND CIVILIAN DICTATORSHIPS THEY HAVE OPERATED UNDER A RECENT HISTORY. ATTACKS ON THE GOVERNMENT ARE FREQUENT AND VARIED, AND APPEAR IN ALL MAJOR NEWSPAPERS, ALTHOUGHT THE PRINCIPAL BARBS -- RANGING FROM AMUSING TO SCANDALOUS -- APPEAR IN QUITO'S EL TIEMPO, WITH CONFIDENTIAL

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A SMALL CIRCULATION AND LARGE INFLUENCE AMONG THE NATION'S OPINION LEADERS. THE EL TIEMPO PUBLISHER, A RIGHT-WING CONSERVATIVE, WAS RECENTLY CALLED IN BY THE MINISTER OF GOVERNMENT TO EXPLAIN SOME OF THE STORIES THE PAPER HAD PUBLISHED. HOWEVER, EL TIEMPO CONTINUES TO PUBLISH SIMILAR CRITICISM ON AN ALMOST DAILY BASIS. ONE OF ITS COLUMNISTS, JULIO PRADO VALLEJO (A FORMER FOREIGN MINISTER) HAD TO GO INTO HIDING FOR SEVERAL WEEKS WHEN THE GOVERNMENT ISSUED AN ORDER FOR HIS ARREST AFTER HIS ATTACKS ON PRESIDENT RODRIGUEZ, BUT THE ORDER WAS EVENTUALLY RESCINDED AND HE IS BACK AT WORK. DENUNCIATIONS OF THE GOVERNMENT BY A GAGGLE OF WIVES OF DEFEATED COUP LEADERS APPEARED WITH REGULARITY IN THE WEEKS FOLLOWING THE ABORTIVE COUP ATTEMPT SEPT 1, AND PROVOKED NO APPARENT GOVERNMENT RESPONSE. THERE PROBABLY ARE LIMITS WHICH THE PRESS UNDERSTANDS IT MUST NOT VIOLATE IF IT IS TO REMAIN IN GOOD GRACES, BUT IT IS ALSO CLEAR THAT THESE LIMITS DO NOT PRECLUDE POLITICAL ATTACKS; THE LIMITS APPEAR TO BE NO MORE THAN THE STANDARD INJUNCTIONS AGAINST LIBEL AND SLANDER THAT PREVAIL IN VIRTUALLY ANY COUNTRY. THE GOVERNMENT RECENTLY PASSED A LAW FOR PROFESSIONALIZATION OF JOURNALISM WHICH INCLUDED A CLAUSE WHICH COULD POTENTIALLY BE UTILIZED TO ENFORCE GREATER CENSORSHIP, BUT TO DATE IT HAS NOT BEEN SO USED AND THE ORIGINAL OPPOSITION TO IT BY THE MEDIA APPEARS TO HAVE SUBSIDED. THE LAW IS NOT ABSOLUTELY NECESSARY, HOWEVER, FOR THE GOVERNMENT CAN AND WILL ACT WHEN STUNG BADLY ENOUGH -- AN EL COMERCIO REPORTER AND THE CHANNEL 4 NEWS CHIEF WERE ARRESTED AND HELD FOR A BRIEF PERIOD OF TIME, AND A CHANNEL 8 COMMENTATOR WAS FORCED OFF THE AIR ALTHOUGH STATION OWNERS DENIED IT.

17. RELIGION: ECUADOR HAD ITS LIBERAL REVOLUTION IN 1895, AND THERE IS NO STATE RELIGION, ALTHOUGH THE VAST MAJORITY OF PEOPLE ARE, OF COURSE, CATHOLIC. OTHER RELIGIOUS MINORITIES, HOWEVER, FUNCTION WITH WHAT APPEARS TO BE COMPLETE LIBERTY, AND FOREIGN MISSIONARIES OF ALL TYPES ARE ACTIVE IN THE COUNTRY. THE BEST-EQUIPPED AND MOST WIDELY-RESPECTED HOSPITAL IN QUITO IS VOZ ANDES, RUN BY AN AMERICAN FUNDAMENTALIST INTER-DENOMINATIONAL PROTESTANT GROUP;

18. SUMMARY: IN SUM, THE ECUADOREAN MILITARY GOVERNMENT MIGHT BE CRITICIZED FOR FAILING TO REACH THE HIGHEST
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STANDARDS IN TERMS OF RESPECT FOR HUMAN RIGHTS. AN EXAMINATION OF THE HUMAN RIGHTS DECLARATION OF THE UNITED NATIONS INDICATES THAT A NUMBER OF RIGHTS GUARANTEED BY ARTICLES OF THE CHARTER HAVE BEEN CLOUDED BY THE ACTIONS OF THE GOVERNMENT. THE MANNER OF CERTAIN POLITICALLY-INSPIRED ARRESTS, IN WHICH OPPOSITIONISTS HAVE BEEN SUMMARILY DETAINED AND SENT TO THE ORIENTE, IS AN ABUSE OF ARTICLE 9. THE RIGHT TO PUBLIC HEARING OF CHARGES (ARTICLE 10) HAS ALSO BEEN NEGLECTED FROM TIME TO TIME, AS HAS THE RIGHT TO A PUBLIC TRIAL (ARTICLE 11). ALTHOUGH THE PRESS REMAINS PRACTICALLY UNFETTERED (ARTICLE 19), PRESSURES TO AVOID PRESS CRITICISM OF THE GOVERNMENT MAY IN SOME CASES BE APPLIED. THE GOVERNMENT OF ECUADOR CONTINUES OFFICIALLY TO FORBID POLITICAL GATHERINGS, A DIRECT VIOLATION OF ARTICLE 20 OF THE HUMAN RIGHTS DECLARATION, BUT THE PROHIBITION IS RARELY ENFORCED.

19. YET, NEITHER THE CURRENT GOE COLLECTIVELY, NOR INDIVIDUAL MINISTERS PERSONALLY, APPEAR TO BE AT ALL DISPOSED TOWARDS THE HARSHNESS AND INTOLERANCE, HATEFULNESS AND SPITE, LET ALONE TORTURE, THAT CHARACTERIZE MILITARY REGIMES IN SOME OTHER COUNTRIES IN LATIN AMERICA, OR ELSEWHERE IN THE WORLD. WE SEE NO EVIDENCE THAT THIS WILL CHANGE; ECUADOREANS, WHATEVER THEIR OTHER FAULTS, HAVE SELDOM BEEN AN INTOLERANT PEOPLE AND AT LEAST IN THIS CENTURY HAVE NO TRADITION OF SUPPRESSION. POLITICALLY IRRATIONAL (WHICH THEY ARE QUICK TO ADMIT), THEY ALMOST SEEM TO REALIZE THAT THEIR ELECTED CIVILIAN GOVERNMENTS WILL, FROM TIME TO TIME, HAVE TO BE CURBED BY THEIR MILITARY. THIS CURBING, HOWEVER, IS ONLY OF A POLITICAL NATURE -- THE CURRENT MILITARY GOVERNMENT HAS AS GOOD A RECORD WITH RESPECT TO HUMAN RIGHTS AS MOST RECENT ECUADOREAN CIVIL GOVERNMENTS.

20. US MISSION EFFORTS: IT IS EXCEEDINGLY DOUBTFUL THAT THE UNITED STATES GOVERNMENT COULD MODIFY THE RESULTS OF 150 YEARS OF PRACTICE IN THE FIELD OF HUMAN RIGHTS. MOREOVER, THE LEVERS OF INFLUENCE AVAILABLE ARE INCREASINGLY FEWER IN NUMBER. OUR EFFORTS IN THIS FIELD ARE PRIMARILY THROUGH EXAMPLE, BUT ALSO THROUGH PERSONAL CONTACT AND THROUGH OUR SMALL EXCHANGE PROGRAM. THE PEACE CORPS, COMPOSED OF TWO HUNDRED VOLUNTEERS, AND OUR SMALL EXCHANGE PROGRAMS PROVIDE OPPORTUNITIES TO INFLUENCE ECUADOREANS TOWARD GREATER RESPECT

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FOR HUMAN RIGHTS, AND MISSION OFFICIALS EMPHASIZE ON SUITABLE OCCASIONS THE AMERICAN PREFERENCE FOR CONSTITUTIONAL GOVERNMENT AND OUR HOPES THAT THE ECUADOREAN SYSTEM WILL

DEVELOP EVENTUALLY INTO A STRONG, VIABLE CONSTITUTIONAL
DEMOCRACY.
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